



# House of Representatives

## File No. 754

General Assembly

February Session, 2016

**(Reprint of File No. 412)**

Substitute House Bill No. 5540  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 28, 2016

### **AN ACT CONCERNING THE STATE WATER PLAN.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-352 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) Not later than July 1, 2017, the Water Planning Council,  
4 established pursuant to section 25-33o, as amended by this act, shall,  
5 within available appropriations, prepare a state water plan for the  
6 management of the water resources of the state. In developing such  
7 state water plan, the Water Planning Council shall: (1) Design a unified  
8 planning program and budget; (2) consider regional water and sewer  
9 facilities plans; (3) identify the appropriate regions of the state for  
10 comprehensive water planning; (4) identify the data needs and  
11 develop a consistent format for submitting data to the council,  
12 applicable state agencies and regional councils of governments for use  
13 in planning and permitting; (5) consider the potential impact of climate  
14 change on the availability and abundance of water resources and the  
15 importance of climate resiliency; (6) seek involvement of interested

16 parties; (7) solicit input from the advisory group established pursuant  
17 to section 25-33o, as amended by this act; (8) consider individual water  
18 supply plans, water quality standards, stream flow classifications, as  
19 described in regulations adopted pursuant to section 26-141b, water  
20 utility coordinating committee plans, the state plan of conservation  
21 and development, as described in section 16a-30, and any other  
22 planning documents deemed necessary by the council; (9) promote the  
23 adoption of municipal ordinances based on the State of Connecticut  
24 Model Water Use Restriction Ordinance for municipal water  
25 emergencies; and (10) examine appropriate mechanisms for resolving  
26 conflicts related to the implementation of the state water plan.

27 (b) The state water plan developed pursuant to subsection (a) of this  
28 section shall: (1) Identify the quantities and qualities of water that are  
29 available for public water supply, health, economic, recreation and  
30 environmental benefits on a regional basin scale considering both  
31 surface water and groundwater; (2) identify present and projected  
32 demands for water resources on a state-wide and regional basin scale;  
33 (3) recommend the utilization of the state's water resources, including  
34 surface and subsurface water, in a manner that balances public water  
35 supply, economic development, recreation and ecological health; (4)  
36 recommend steps to increase the climate resiliency of existing water  
37 resources and infrastructure; (5) make recommendations for  
38 technology and infrastructure upgrades, interconnections and such  
39 major engineering works or special districts which may be necessary,  
40 including the need, timing and general cost thereof; (6) recommend  
41 land use and other measures, including an assessment of land  
42 acquisition or land protection needs, where appropriate to ensure the  
43 desired quality and abundance of water and to promote development  
44 in concert with available water resources; (7) take into account desired  
45 ecological, recreational, agricultural, industrial and commercial use of  
46 water bodies; (8) inform residents of the state about the importance of  
47 water-resource stewardship and conservation; (9) establish  
48 conservation guidelines and incentives for consumer water  
49 conservation with due consideration for energy efficiency; (10) develop

50 a water reuse policy with incentives for matching the quality of the  
51 water to the use; (11) meet data collection and analysis needs to  
52 provide for data driven water planning and permitting decisions; (12)  
53 take into account the ecological, environmental, public health and  
54 safety and economic impact that implementation of the state water  
55 plan will have on the state; (13) include short and long-range objectives  
56 and strategies to communicate and implement the plan; (14) seek to  
57 incorporate regional and local plans and programs for water use and  
58 management and plans for water and sewerage facilities in the state  
59 water plan; (15) promote intraregional solutions and sharing of water  
60 resources; (16) develop and recommend strategies to address climate  
61 resiliency including the impact of extreme weather events; and (17)  
62 identify modifications to laws and regulations that are necessary in  
63 order to implement the recommendations of the state water plan.

64 (c) The Water Planning Council shall provide a time period of not  
65 less than one hundred twenty days for public review and comment  
66 prior to finalizing such plan. The Commissioners of Public Health and  
67 Energy and Environmental Protection, the chairperson of the Public  
68 Utilities Regulatory Authority and the Secretary of the Office of Policy  
69 and Management shall post such draft plan and information  
70 concerning such comment period in a conspicuous location on their  
71 respective web sites. The Council on Environmental Quality shall post  
72 such draft plan and information concerning such comment period in  
73 the Environmental Monitor. The Water Planning Council shall  
74 advertise and hold not less than one public hearing during such public  
75 review and comment period. After such public comment period, the  
76 council shall fully consider all written and oral comments concerning  
77 the proposed state water plan. The council shall make available the  
78 electronic text of the finalized state water plan on an Internet web site  
79 where the finalized state water plan shall be posted and a report  
80 summarizing: (1) All public comments received pursuant to this  
81 subsection, and (2) the changes made to the finalized state water plan  
82 in response to such comments and the reasons for such changes.

83 (d) Not later than January 1, 2018, the Water Planning Council, in

84 accordance with section 11-4a, shall submit the state water plan to the  
85 joint standing committees of the General Assembly having cognizance  
86 of matters relating to the environment, public health, planning and  
87 development and energy and technology. [for said committees'  
88 approval, revision or disapproval, in whole or in part.] The council  
89 shall submit such report to the Governor electronically.

90 [(e) Not later than forty-five days after the convening of the 2018  
91 regular session of the General Assembly, said] Said joint standing  
92 committees [shall] may conduct a joint public hearing on the state  
93 water plan and (1) submit the plan with said joint standing  
94 committees' joint [recommendations] recommendation for approval [,  
95 modification or disapproval] to the General Assembly, or (2) return the  
96 plan to the Water Planning Council indicating their disapproval and  
97 any recommendations for revisions to the plan by said council.

98 (e) The state water plan shall become effective when adopted by an  
99 affirmative vote of the General Assembly as the state water plan for the  
100 state. [, provided if the General Assembly fails to act on the plan on or  
101 before July 1, 2018, such state water plan shall be deemed approved.]

102 (f) In the event that [the General Assembly disapproves the state  
103 water plan, in whole or in part, the state water plan shall be deemed to  
104 be rejected and] said joint standing committees do not recommend  
105 approval of the plan or the General Assembly does not adopt the plan  
106 by affirmative vote, the plan shall be returned to the Water Planning  
107 Council for revisions and resubmittal to the [committees of cognizance,  
108 not later than ninety days after such disapproval, for approval or  
109 modification by said committees. In the event that said committees fail  
110 to take action on such resubmitted plan not later than sixty days after  
111 such resubmission, the plan shall be deemed to be approved] General  
112 Assembly in accordance with the provisions of subsection (d) of this  
113 section.

114 (g) The Water Planning Council may submit the state water plan or  
115 a revised state water plan in a subsequent session of the General

116 Assembly for approval in accordance with the provisions of this  
117 section.

118 (h) If the state water plan is not adopted by an affirmative vote of  
119 the General Assembly on or before twenty-four months after the date  
120 of its original submittal pursuant to subsection (d) of this section, then  
121 it shall be forwarded to the Governor for adoption or rejection.

122 ~~[(g)]~~ (i) The Water Planning Council shall oversee the  
123 implementation and periodic updates of the state water plan. On or  
124 before January 1, 2016, and annually thereafter, the Water Planning  
125 Council shall submit a report, in accordance with section 11-4a, to the  
126 joint standing committees of the General Assembly having cognizance  
127 of matters relating to the environment, public health, planning and  
128 development and energy and technology on the status of the  
129 development and implementation of the state water plan and any  
130 updates to such plan. On and after January 1, 2016, the report required  
131 by this subsection shall supplant the requirement for an annual report  
132 as required pursuant to section 25-33o, as amended by this act.

133 Sec. 2. Subsection (d) of section 25-33o of the general statutes is  
134 repealed and the following is substituted in lieu thereof (*Effective from*  
135 *passage*):

136 (d) The council shall, not later than January 1, 2002, and annually  
137 thereafter until January 1, 2015, report its preliminary findings and any  
138 proposed legislative changes to the joint standing committees of the  
139 General Assembly having cognizance of matters relating to public  
140 health, the environment and public utilities in accordance with section  
141 11-4a, except that not later than February 1, 2004, the council shall  
142 report its recommendations in accordance with this subsection with  
143 regard to (1) a water allocation plan based on water budgets for each  
144 watershed, (2) funding for water budget planning, giving priority to  
145 the most highly stressed watersheds, and (3) the feasibility of merging  
146 the data collection and regulatory functions of the Department of  
147 Energy and Environmental Protection's inland water resources

148 program and the Department of Public Health's water supplies section.  
149 On and after January 1, 2016, the council shall report in accordance  
150 with subsection (i) of section 22a-352, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	22a-352
Sec. 2	<i>from passage</i>	25-33o(d)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill alters public hearing requirements for Water Planning Council plans and alters reporting requirements for the Water Planning Council. The bill also makes minor technical changes.

House "A" replaces the underlying bill which does not result in a fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****sHB 5540 (as amended by House "A")\******AN ACT CONCERNING THE STATE WATER PLAN.*****SUMMARY:**

By law, the Water Planning Council (WPC) must prepare a state water plan by July 1, 2017 and submit it to the Energy and Technology, Environment, Planning and Development, and Public Health committees by January 1, 2018.

The bill eliminates a requirement that the legislative committees hold a joint public hearing on the plan within 45 days after the start of the 2018 regular legislative session and submit it to the legislature for approval, modification, or disapproval. It instead allows the committees to hold the public hearing and either (1) submit the plan to the legislature for approval or (2) if they disapprove it, return the plan with any recommended revisions to the WPC for revision and resubmittal to the committees.

Under the bill, the state water plan takes effect when the legislature adopts it by an affirmative vote. As under current law, if the legislature disapproves the plan, it must be returned to the WPC for revision and resubmission to the committees of cognizance as described above. The bill allows the WPC to resubmit the plan for approval in a subsequent legislative session instead of within 90 days after the disapproval as under current law.

Under the bill, if the legislature fails to adopt the state water plan within two years after the date it was originally submitted, the plan must be forwarded to the Governor for adoption or rejection. Current law deems the plan approved if the legislature fails to act on it by July



1, 2018.

The bill also makes minor, technical, and conforming changes.

\*House Amendment "A" replaces the original bill (File 412) which also modified the legislative process for approving the state water plan by, among other things, (1) adjusting the timeframes in which committees must hold joint public hearings on it, (2) deeming the plan rejected if the legislature failed to act on it, and (3) requiring the Office of Policy and Management (OPM) to consult with the WPC if the legislature disapproved the plan.

EFFECTIVE DATE: October 1, 2016 except that a conforming change to an annual reporting requirement takes effect upon passage.

## **BACKGROUND**

### ***Water Planning Council***

The council consists of the Public Utilities Regulatory Authority chairperson, public health and energy and environmental protection commissioners, and the OPM secretary, or their designees. It is charged with addressing issues involving water companies, water resources, and state drinking water supply policies. It also has an advisory group to help with researching and analyzing water industry issues (CGS § 25-33o).

## **COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 27      Nay 0      (03/16/2016)